



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Bakergumprecht-Davies, Kathleen, sole practitioner (for Petitioner Anthony Rainaldi)

## Petition for Appointment of Guardian of the Person

Age: 16 years		<p style="text-align: center;"><b>TEMPORARY EXPIRES 6/24/2013</b></p> <p><b>ANTHONY RAINALDI</b>, maternal uncle, is Petitioner.</p> <p>Father: <b>DAVID WAYNE LAHEY</b></p> <p>Mother: <b>NANCY JO GERMAIN</b>; deceased.</p> <p>Minor consents and waives notice.</p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: Tony Rainaldi; consents and waives notice. Maternal grandmother: Donna Ruth Rainaldi; deceased.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The child's mother was his sister and the child was his sister's only child and resided with her mother exclusively for the past 7 years;</li> <li>The child's mother passed away unexpectedly on 3/10/2013, and the child has been living with him and his significant other since immediately after her mother's death;</li> <li>The child has had no visits with her father since ~2003, but she has had occasional and sporadic telephone contact with him during the past 10 years;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Probate Code § 1511(b)(3), need Notice of Hearing and proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> <li>David Wayne Lahey, father.— Declaration of Non-Service filed 6/14/2013 shows service was attempted by a process server in Fairfax, Virginia, on 5/31/2013; contact information was left with female resident DIANE LAHEY, who identified herself as step-mother of David Lahey, and she had no address for him but offered to give a message to her husband who would give it to David.</li> </ul> <p>2. Probate Code § 1511(b)(1), need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> <li>Paternal grandparents (no request to dispense with notice has been made);</li> <li>Casey Lahey, sibling, if age 12 or over.</li> </ul>	
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**Petitioner states, continued:**

- The child has indicated a strong desire not to be placed in the custody of her father, as she believes he may live in the State of Virginia, and the last time her father contacted her was in 2009 when he called asking for pictures of the child, and the pictures were returned as undeliverable; they had no contact number to call the father to tell him the pictures were returned;
- The child has indicated her earliest recollection of her father was during her first or second year of school, and at that time the child and her mother had been living on the east coast near the child's father; however, during several visits, the child states she told her mother that she was uncomfortable around her father because of the way he touched and/or kissed her during a visit; the child did not elaborate but stated that after she talked with her mother, she no longer visited her father without an adult present; in her third grade year, the child and her mother moved back to California and she did not have any contact with her father until he telephoned her in the seventh grade;
- The child also stated a woman had called her and said she had seen the notice regarding her mother's death on Facebook, and told the child that her father would like her to call him; the child apparently told the woman that she did not want to talk with her father and ended the conversation;
- Petitioner states he is able to provide the child with a stable home and she would be able to continue her education at the same high school with her friends and peers; the child has suffered a tragic loss and it is not in her best interest that she be placed in the custody of a man she has spoken to three or four times the past 10 years and who has had no contact at all in the last 3 years;
- Petitioner states he needs guardianship so that he is able to obtain medical and other health care for the child and add the child to his health and automobile insurance policies, and so that he may interact as custodial parent of the child for academic purposes, and requests the Court grant him guardianship of his niece.

**Court Investigator Charlotte Bien's Report was filed on 6/11/2013.**

Atty Larson, Timothy J. (for William T. Golden – Nephew – Petitioner)

Atty Lind, Ruth P. (Court appointed for Proposed Conservatee)

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
1820, 1821, 2680-2682)**

<b>Age: 86</b>		<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Court Investigator advised rights on 6-3-13</b></u>  <u><b>Voting rights affected</b></u> - <u><b>Need minute order</b></u>  <b>1. Bond should be \$242,550.00, which amount include cost of recovery pursuant to Cal. Rules of Court 7.207 and Probate Code §2320(c)(4).</b>  <u><b>Note: The Court will set status hearings as follows:</b></u> - <b>Friday 8-30-13 for filing of proof of bond</b> - <b>Friday 11-8-13 for filing of Inventory and Appraisal</b> - <b>Friday 11-7-14 for filing of the first account</b>  <b>If the appropriate items are on file, the status hearings may come off calendar.</b>
		<b>WILLIAM T. GOLDEN</b> , Nephew, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia medication and placement powers, and of the Estate with bond of \$222,550.00.  <b>Voting rights affected</b>  <b>A Capacity Declaration was filed 5-30-13.</b>  <b>Estimated value of estate:</b> Personal property:     \$ 170,100.00 Annual income:       \$ 50,400.00 Total:                     \$ 220,500.00  <b>Petitioner states</b> the proposed Conservatee is suffering from a form of dementia and is currently located in a care center at the Nazareth House in Fresno, CA. She is unable to provide for her personal needs for physical health, food, clothing, shelter, and is unable to manage her financial resources or resist fraud or undue influence.  <b>Court Investigator Jennifer Daniel filed a report on 6-14-13.</b>	
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	<b>FTB Notice</b>		
<b>Reviewed by: skc</b> <b>Reviewed on: 6-17-13</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 2 – Steele</b>			

		<b>JOSEPH BALAGNO</b> , Beneficiary, is Petitioner.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li><b>The Revocable Trust of Dale W. Balagno</b> was established via Declaration of Trust dated 3-6-13. The trust corpus consists primarily of bank and investment accounts held with several banking institutions.</li> <li>The Trustee of the Trust is <b>Nicholas T. Kovacevich</b> and purports to be acting in that capacity.</li> <li>The beneficiaries are <b>Lori Jo Brown, Linda Sue Balagno, Joseph Dale Balagno (Petitioner), and Mary E. Pond.</b></li> <li>Petitioner is informed and believes that the Trustee has conveyed real property, other accounts, and personal property of the trust to Mary E. Pond without accounting, notice or acknowledgment whatsoever to Petitioner and other beneficiaries. Only upon Petitioner's contacting the various banking and investment institutions did Petitioner learn of such. See attached Trust Transfer Deed dated 3-27-13.</li> <li>Petitioner also believes the trustee has distributed other investment accounts to Ms. Pond or to himself without notice, and/or is concealing the identity of other assets comprising the trust estate. Petitioner is informed and believes that certain accounts have been closed or blocked without notice or accounting to beneficiaries.</li> <li>Petitioner has asked the trustee for a list of assets; however, he has refused to comply with such request. Petitioner has been forced to freeze various accounts as a result.</li> <li>Petitioner seeks an order removing the trustee on grounds that he refuses to respond after demands having been made, conveys property without notice or accounting to either Ms. Pond or himself, changes mailing addresses and ownership of various accounts to the name of Ms. Pond, and refuses to correspond or communicate with Petitioner and other beneficiaries.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>SEE PAGE 2</b></u>																																																																			
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**SEE PAGE 2**

**Petitioner states** a trustee may be removed on petition under §§ 17200, 15642a for breach or other good cause, including hostility. Remedies include compel performance, enjoin trustee from further breach, equitable lien on property. Petitioner believes the trustee is intentionally refusing to communicate so to make further conveyances to Ms. Pond or himself without providing notice or accounting to other beneficiaries.

**Petitioner prays for an Order:**

1. Removing Nicholas T. Kovacevich as trustee of the Trust of Dale W. Balagno;
2. Ordering Nicholas T. Kovacevich account for his actions as trustee;
3. Appointing the Public Administrator as successor trustee;
4. Ordering Nicholas T. Kovacevich bear his own costs and attorney fees for defense of this action;
5. Ordering Nicholas T. Kovacevich retitle the trust estate property in the name of the trust;
6. For all costs of suit incurred; and
7. For such other and further relief as the Court may deem just and proper.

Petitioner provides various citations for the request. See Petition.

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner does not provide a copy of the trust for Court review.

*Note: Petitioner states the trust dated 3-6-13 (approx. 90 days ago) is revocable, but does not provide details pertinent to this Court's understanding of the nature of the trust or the relationship between the settlor, beneficiaries, and trustee.*

2. Petitioner states the trust is revocable, but does not list the settlor as a person who is entitled to notice. Need clarification regarding the settlor and his or her competency with reference to Probate Code §15800 (Limitations on rights).
3. Petitioner states demands have been made for information; however, Petitioner does not state whether he is entitled to such information under Probate Code §§ 16069(a), 15800, since the trust is revocable.
4. Petitioner also does not state the nature of the demand (reasonable, with reference to Probate Code §16061?) or the time frame for response. Probate Code §17200(b)(7)(C) allows a petition to be filed under this section if the trustee has failed to account within 60 days of reasonable request. Given the recent date of the trust, and given the other unknown information per above, need authority to file this petition at this point.
5. Need Notice of Hearing and proof of service at least 30 days prior to the hearing pursuant to Probate Code §17203 on all persons entitled to notice, including Public Administrator and County Counsel.
6. Petitioner requests appointment of the Public Administrator, but no consent to serve has been filed.
7. Petitioner indicates at Page 2, Paragraph No. 7, that the attached deed evidences conveyance of real property of this trust estate to Ms. Pond; however, the attached Trust Transfer Deed appears to transfer property from Grantor Mary E. Pond to Mary E. Pond, Trustee of the Mary E. Pond Revocable Trust dated 3-6-13. There is no mention of this trust or trustee. If this petition goes forward, need clarification.
8. If additional documents are provided, there may be additional issues upon further review.

Atty Giglio, Paul (Pro Per – Father – Co-Petitioner)

Atty Harper, Crystal (Pro Per – Mother – Co-Petitioner)

Atty Graffia, Jennifer (Pro Per – Paternal Aunt – Guardian)

**Petition for Termination of Guardianship**

<b>Lalien (5)</b>		<b>PAUL GIGLIO and CRYSTAL HARPER</b> , Parents, are Petitioners.  <b>JENNIFER GRAFFIA</b> , Paternal Aunt, was appointed Guardian on 1-4-12. <i>- Consents and waives notice</i>  Paternal Grandfather: Name not listed <i>- Deceased</i> Paternal Grandmother: Yvonne Giglio Maternal Grandfather: Wesley Harper Maternal Grandmother: Lorry Ann Camire <i>- Deceased</i> Siblings: Kyle Harper, Alexis Bernhardt  <b>Petitioners do not state why termination of the guardianship is in the best interest of the minors. (#5 of the Petition is blank.)</b>  <b>Court Investigator Jo Ann Morris to file report.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need Court Investigation Report.</b>  <b>2. Need Notice of Hearing.</b>  <b>3. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives per Probate Code §1460(b)(5) including:</b> - Yvonne Giglio - Wesley Harper - Any siblings age 12 or older	
<b>Lariassa (2)</b>				
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	<b>Notice of Hrg</b>			X
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	<b>CI Report</b>	X		
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	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc <b>Reviewed on:</b> 6-17-13 <b>Updates:</b> <b>Recommendation:</b> <b>File 7 – Giglio</b>	

Age: 6 years		TEMP EXPIRES 6/24/2013		NEEDS/PROBLEMS/COMMENTS:	
		JUDITH JONES, paternal grandmother, is Petitioner.		<p><b>Note: This petition is for EMILY VILLAREAL only.</b> Alicia's Paternal Grandmother Maria Amparo Huerta was appointed as her guardian on 10/3/12.</p> <p>Continued from 5/20/13. Minute order states mother, Anita Villareal objects to the petition. The Court indicates to the parties that the guardian will be responsible for determining what contact mother will have with the child and under what terms. The Court orders that anyone visiting the child shall be courteous, clean and sober. Parties are ordered not to speak ill of one another around the child. The court investigator is directed to contact mother.</p> <ol style="list-style-type: none"> <li>1. Need UCCJEA (Form GC-120) containing child's residence history and other pertinent information.</li> <li>2. Need proof of service of Notice of Hearing with a copy of the petition or Consent and Waiver or Notice or Declaration of Due Diligence on:               <ol style="list-style-type: none"> <li>a. Stephen E. Jones (paternal grandfather)</li> <li>b. Raul Villareal (maternal grandfather)</li> <li>c. Sylvia Garza (maternal grandmother)</li> </ol> </li> </ol>	
Cont. from 052013		Father: <b>BRIAN K. JONES</b>			
Aff.Sub.Wit.		- Nominates, consents, and waives notice			
✓	Verified	Mother: <b>ANITA VILLAREAL</b> – personally served on 3/26/13.			
	Inventory	Paternal Grandfather: Stephen E. Jones			
	PTC	Maternal Grandfather: Raul Villareal			
	Not.Cred.	Maternal Grandmother: Sylvia Garza			
	Notice of Hrg	X			
	Aff.Mail	X			
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	FTB Notice				
		<p><b>Petitioner states</b> there have been many occasions when Emily has come to Petitioner's home not knowing where her mommy was or because she was hungry. On 2/7/13 a neighbor brought Emily to the church where Petitioner was and Emily ran to Petitioner and said she couldn't find her mommy. Upon taking her back that evening to where her mother was staying at the time, Petitioner chose to bring her home with her instead due to drug activity where the mother was staying. Petitioner states the mother is now homeless and it is in Emily's best interest to remain with Petitioner.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 5/13/13.</b></p>		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 6/17/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Sanchez &amp; Villarreal</b></p>	



## Petition for Appointment of Temporary Conservator of the Person and Estate

<b>Age: 26</b>		<b>TEMP GRANTED EX PARTE EXPIRES 6-24-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Need Court Investigator's Report.</u>  <b>1. Need Notice of Hearing.</b>  <b>2. Need proof of personal service of Notice of Hearing at least five Court days prior to the hearing per Probate Code §2250(e) on proposed Conservatee James Laster.</b>  <b>3. Need proof of service of Notice of Hearing at least five Court days prior to the hearing per Probate Code §2250(e) on all other relatives.</b>
		<b>GENERAL HEARING 7-25-13</b>	
		<b>PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with additional medical consent powers during the temporary conservatorship. Petitioner also requests an order that the Conservatee not be moved from Fresno County, and requests to change his residence during temp conservatorship to a living arrangement more appropriate for his needs.	
	<b>Aff.Sub.Wit.</b>		
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	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	X	
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	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	X	
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	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>	X	
	<b>9202</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>	<p><b>Estimated value of estate:</b> Income: \$9,600.00</p> <p><b>Petitioner states</b> Mr. Laster is a dependent adult who requires 24-hour care. His father Don Laster is his primary caregiver and is paid approx. \$4,000/month for his care through DSS/IHSS. The Public Guardian received a conservatorship referral from APS stating that after several joint meetings with CVRC, ARC (Fresno Association of Retarded Citizens), and APS, Mr. Laster's father has been non-cooperative and continues to ignore phone calls. There are concerns about Mr. Laster's health and safety and signs of neglect, such as being sent to his day program with rotten food, injuries, and infections on his body. The home was found cluttered to the ceiling with boxes with only a narrow space to walk. Mr. Laster is not receiving appropriate care despite the fact that his father is being paid \$4,000/month to care for him.</p> <p>Since Don Laster became aware of the Public Guardian's intention to seek conservatorship, he has threatened to move him to Washington and Merced County. Fresno Police and APS attempted to have Mr. Laster removed from his father's care, but because there was no evidence of <i>current</i> physical abuse and neglect, they could not remove him. Petitioner was recently informed that he is no longer attending his day program, and that the father received a notice of eviction during the conservatorship investigation.</p> <p>Since there appear to be no suitable family or friends to act, Public Guardian seeks appointment with the additional requests above.</p>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-18-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Laster</b></p>